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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/072,797	02/07/2002	Jeffrey Rodman	PA1094US	3595

29855 7590 12/21/2006  
WONG, CABELLO, LUTSCH, RUTHERFORD & BRUCCULERI,  
L.L.P.  
20333 SH 249  
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HOUSTON, TX 77070

EXAMINER
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PYZOCHA, MICHAEL J

ART UNIT	PAPER NUMBER
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2137

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/21/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/072,797

Applicant(s)

RODMAN ET AL.

Examiner

Michael Pyzocha

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 November 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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**DETAILED ACTION**

1. Claims 21-40 are pending.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/06/2006 has been entered.

***Claim Objections***

3. Claim 33 is objected to because it depends from a canceled claim. It will be assumed for the purpose of examination that it should depend from claim 30. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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5. Claims 21-40 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 21, 30, and 40, contain the limitation "not readily detectible", it is unclear when a signal is or is not "readily detectible" because based on the common dictionary meaning of "readily" is something, "In a manner indicating or connoting ease; easily." So therefore it is unclear when it is easily detectible and when it is not easily detectible.

7. Any claims not specifically addressed are rejected by virtue of their dependencies.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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9. Claims 21, 22, 24, 25, 30-37, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schneier (Applied Cryptography) in view of Parry (US20020164997).

As per claims 21, 30, 31, 37 and 44, Schneier discloses generating a first encryption key within a first device of a communication system; encoding the encryption key to form and encoded encryption key; transmitting the encoded encryption key to a second device (see page 33 step (2)); decoding the encoded encryption key at the second device to extract the encryption key (see page 33 step (3)); and using the encryption key to encrypt and decrypt data for subsequent transmissions between the first and second devices (see page 33 step (4)).

Schneier fails to disclose the transmission is wireless, and the devices are confined within a room and that the encoded encryption key is not detectible outside of the room.

However, Parry teaches a wireless transmission system in which access is only allowed to those confined to the room (see paragraphs 7, 8 and 32).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to transmit the encoded encryption key of Schneier using the wireless transmission system of Parry.

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Motivation to do so would have been to prevent unauthorized access to data in the wireless system (see Parry paragraph 32).

As per claims 22 and 32-35, the modified Schneier and Parry system discloses the use of an acoustic signal (see Parry figure 7 and paragraph 49).

As per claim 24, the modified Schneier and Parry system discloses the use of infrared communications (see paragraph 25).

As per claims 25 and 36, the modified Schneier and Parry system discloses the use of memory to store the encryption key (see Parry paragraph 21).

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Schneier and Parry system as applied to claim 22 above, and further in view of Stein, III et al. (US 6297892).

As per claim 23, the modified Schneier and Parry system fails to explicitly disclose that the acoustic signal comprises DTMP tones.

However, Stein, III et al. teaches such an acoustic signal (see column 3 lines 45-53).

At the time of the invention it would have been obvious to a person of ordinary skill in the art for the acoustic signals of the modified Schneier and Parry system to be DTMF tones.

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Motivation to do so would have been to allow for recognition by a phone or fax (see Stein, III et al. column 3 lines 45-53).

11. Claims 26, 27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Schneier and Parry system as applied to claim 21 above, and further in view of Doberstein et al. (US 5809148).

As per claims 26, 27, and 29, the modified Schneier and Parry system fails to explicitly disclose determining when a request for retransmission, because of an error occurred in connection with the reception or decoding of the encryption key, is needed based on performing error detection.

However, Doberstein et al. teaches determining when a request for retransmission, because of an error occurred in connection with the reception of a message, is needed based on performing error detection (see column 3 lines 3-19).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to determining when a request for retransmission, because of an error occurred in connection with the reception of the encryption key in the modified Schneier and Parry system, is needed based on performing error detection.

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Motivation to do so would have been because doing so allows the system to make a request for retransmission of data so that the encryption key can still be built even if data is initially not received properly.

12. Claims 28, 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Schneier and Parry system as applied to claims 21 and 30 above, and further in view of Clough et al. (US 20030054766).

As per claims 28, 38 and 39, the modified Schneier and Parry system fails to explicitly disclose the use of RF signals for communication between the devices.

However, Clough et al. teaches the use of RF signals for communication (see paragraph 13).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use RF signals in the modified Schneier and Parry communication system.

Motivation to do so would have been to allow for long distance communications.

### **Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cannon (US



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7058358), Bajikar (US 6577274), and Sato (US 20020016153) teach methods of location based access control.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP

  
EMMANUEL L. MOISE  
SUPERVISORY PATENT EXAMINER